

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

MINUTES
SPECIAL CITY COUNCIL MEETING
10TH FLOOR CONFERENCE ROOM
MONDAY, SEPTEMBER 19, 2005
4:00 P.M.

The City Council met at the above place and date at approximately 4:06 p.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call:

Ann Morgan Lilly
Susannah M. Byrd
Steve Ortega
Beto O'Rourke

Late Arrivals:

Melina Castro at 4:30 p.m.

Not Present:

Jose Alejandro Lozano
Presi Ortega, Jr.
Eddie Holguin, Jr.

AGENDA

City Council Agenda for September 20, 2005 (attached).

The City Manager, City Department Heads and Staff presented to Council Members short briefings on the agenda items for the City Council Agenda for September 20, 2005 and answered the questions of Council Members.

Mr. Juan Contreras, Perspectiva + 3 D/I, commented.

Motion made by Representative Steve Ortega, seconded by Representative O'Rourke and unanimously carried to adjourn this meeting at 4:35 p.m.

APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk

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**AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
TUESDAY, SEPTEMBER 20, 2005
9:00 A.M.**

AND

**SPECIAL COUNCIL MEETING/COUNCIL WORK SESSION
COUNCIL/STAFF QUESTION AND ANSWER SESSION
10TH FLOOR, CONFERENCE ROOM
MONDAY, SEPTEMBER 19, 2005
4:00 P.M.**

ROLL CALL

Invocation – Reverend Lisle H. Davis
Pledge of Allegiance

MAYOR'S PROCLAMATION

1. ***FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN***
2. ***LIFE INSURANCE AWARENESS MONTH***
3. ***JUNIOR COLLEGE STUDENT PERSONNEL ASSOCIATION OF TEXAS DAYS***

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

1. **APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
Approval of Minutes for the Regular City Council Meeting of September 13, 2005.
2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**
3. **RESOLUTIONS:**
 - 3A. That the Department of Environmental Services of the City of El Paso be authorized to provide various municipal resources available to assist ENTACT Services, LLC in completing additional soil removal and restoration activities in the West and West-Central areas of the City of El Paso. **(District 8)**
[Environmental Services, Ellen A. Smyth, (915) 621-6719]
 - 3B. That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of SENIOR STRATEGIC BUDGET ADVISOR is hereby created as specified in the duties and responsibilities attached hereto. The Code is 5270. The Grade is EX F.
Salary Range: \$64,206.27 - \$100,955.56 (EX F)
Fund Source: 04010020-01101-04000
[Human Resources, Linda Ball Thomas, (915) 541-4509]
 - 3C. That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of RISK MANAGER is hereby created as specified in the duties and responsibilities attached hereto. The Code is 5349. The Grade is EX F.
Salary Range: \$64,206.27 - \$100,955.56 (EX F)
Fund Source: 04100249-45121-04001
[Human Resources, Linda Ball Thomas, (915) 541-4509]
 - 3D. That the Office of the Mayor be authorized to participate in the Get Fit El Paso! community outreach program and utilize the name of the City and the City's seal in conjunction with the participation. [Mayor John F. Cook, (915) 541-4145]
 - 3E. That the City Manager be authorized to sign a Second Amendment to an Agreement for Architectural Services by and between the CITY OF EL PASO and the Office of Public Architecture, for additional services related to a project known as "Cleveland Square Redevelopment – New History Museum Building and the Addition, Remodeling and Refurbishing of Main Library" for an amount not to exceed Nine Thousand Eight Hundred Fifty Five and No/100 Dollars (\$9,855.00). Funding Source - 2000 QOL Bond Program. **(District 8)**
[Perspectiva + 3D/I (P+3), Juan Contreras, (915) 225-3449]
4. **REINSTATEMENT(S):** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:
 - 4A. Lara, Jaime – Coach Operator
[Mass Transit, Terry Lee Scott, (915) 534-5810]
 - 4B. Ortiz, Jose A., Jr. – Coach Operator
[Mass Transit, Terry Lee Scott, (915) 534-5810]

4C. Lowther, Brandt – Police Officer
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

5. BOARD APPOINTMENTS: [Mayor John F. Cook, (915) 541-4015]

5A. Steve Yellen to the City Employees' Pension Fund Board of Trustees by Mayor John F. Cook.

5B. Representative Steve Ortega to the City Employees' Pension Fund Board of Trustees by City Council.

6. RESIDENTIAL STREET LIGHT(S): [Representative Presi Ortega, Jr., (915) 541-4189]
Approve installation, power, and maintenance of residential street light(s) at the following location(s):

6A. Between 3586B and 3582B East Glen at Sagebrush at a cost of \$1,200.00.
(Account 504420, ID 01010005, Fund 01101) **(District 5)**

6B. Between 11225 and 11229 Signal Ridge at a cost of \$1,200.00. **(District 5)**
(Account 504420, ID 01010005, Fund 01101)

6C. Between 3533 and 3537 Breckenridge at a cost of \$1,200.00. **(District 5)**
(Account 504420, ID 01010005, Fund 01101)

7. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]
That the tax refunds listed on the attachment posted with this agenda be approved.
(See attachment)

8. BUDGET TRANSFER: [Office of Management and Budget, David Almonte, (915) 541-4011]

BT2006-004 AIRPORT

Transfer of funds to cover the acquisition of an Electricalops Pro System that is an automated software and hardware system to comply with part 139 Airfield Inspections and Records Keeping requirements.

Increase	\$60,000	to	62620020/P50000441022/508010	DataProcEqui
Increase	\$60,000	to	62620020/P50000441022/407001	IntrafndTrnsfln
Increase	\$60,000	to	62620018/P50000241021/407002	EstRevenue
Increase	\$60,000	to	62620018/P50000241021/507001	IntrafndTrnsfO

9. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

9A. Juvenile Diabetes Research Foundation to hold a walk on September 24, 2005 from 6:00 a.m. to 12:00 p.m. Route: Start at Sunland Park Mall parking lot on Mesa Hills, continue on Mesa Hills to Cabaret, turn right on Cabaret to Carousel, turn right on Carousel to Rubin, turn right on Rubin to Suncrest, turn right on Suncrest to Wallenberg, turn left on Wallenberg to Mesa Hills, turn left on Mesa Hills, continue on Mesa Hills and finish at Sunland Park Mall parking lot. Approximately 1,000 persons will take part. PERMIT # 05-127 [Noelle K. Lantka]
(Districts 1 and 8)

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 10 OFFICERS AND 10 VEHICLES. ESTIMATED COST TO CITY: \$639.00; ESTIMATED COST TO APPLICANT: \$861.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 9B.** Southwest Surgeons for Obesity to use amplification (2 microphones, 2 speakers and 1 amplifier/mixer) at Nations Tobin Park – 8831 Railroad Dr. on September 24, 2005 from 8:00 a.m. to 2:00 p.m. for a walk/health fair. Approximately 500 persons will take part and 50 spectators are anticipated.

PERMIT # 05-128 [Diane Porter] **(District 2)**

NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 9C.** Galatzan Recreation Center to hold a triathlon on September 24, 2005 from 9:00 a.m. to 10:00 a.m. Route: Start at the recreation center on Wallenberg to Suncrest, turn right on Suncrest to Rubin, turn left on Rubin to Carousel, turn right on Carousel to Festival, turn left on Festival to Stanton, turn right on Stanton to Coral Sky, turn right on Coral Sky and go around back to Stanton, turn left on Stanton to Festival, turn left on Festival to Carousel, turn right on Carousel to Rubin, turn left on Rubin to Suncrest, turn right on Suncrest to Wallenberg, turn left on Wallenberg and finish at Galatzan Recreation Center. Approximately 60 persons, 50 bikes will take part and 50 spectators are anticipated.

PERMIT # 05-129 [Alfonso Valenzuela] **(Districts 1 and 8)**

NO OBJECTIONS FROM FIRE, SUN METRO, PARKS AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 8 OFFICERS AND 8 VEHICLES. ESTIMATED COST TO CITY: \$213.00; ESTIMATED COST TO APPLICANT: \$187.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 9D.** Ysleta High School to hold a homecoming parade on September 30, 2005 from 9:00 a.m. to 10:00 a.m. Route: Start at Speaking Rock parking lot #3 on Zaragoza to Alameda Ave., turn left on Alameda Ave. to Davis, turn left on Davis and finish at Ysleta High School student parking lot. Approximately 800-1,000 persons, 40 vehicles will take part and 1,000 spectators are anticipated.

PERMIT # 05-130 [Janet Carrillo] **(District 6)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. TXDOT FORM LETTER. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 10 OFFICERS AND 10 VEHICLES. ESTIMATED COST TO CITY: \$213.00; ESTIMATED COST TO APPLICANT: \$287.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 9E.** Coronado High School to hold a homecoming parade on September 29, 2005 from 6:00 p.m. to 7:00 p.m. Route: Start at upper parking lot (by AG Building) on Cloudview, turn right on Cloudview to Northwind, turn left on Northwind to Dawn, turn left on Dawn to Mariposa, turn left on Mariposa to El Puente, turn right on El Puente to Mesa Grande, turn right on Mesa Grande to Dawn, turn left on Dawn to Paseo Redondo, turn left on Paseo Redondo to El Puente, turn left on El Puente to Cloudview and finish at the upper parking lot. Approximately 200 persons, 5-10 vehicles will take part and 100 spectators are anticipated.

PERMIT # 05-131 [Alice Westmoreland] **(District 1)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 5 OFFICERS AND 5 VEHICLES. ESTIMATED COST TO CITY: \$175.00; ESTIMATED COST TO APPLICANT: \$75.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

- 9F. Keystone Heritage Park, Inc. to use amplification (4 microphones and 1 amplifier) at Keystone Heritage Park – 4200 Doniphan on September 24, 2005 from 6:00 p.m. to 10:30 p.m. for a fund raiser. Approximately 15 persons will take part and 50 spectators are anticipated. PERMIT # 05-132 [Bernie Sargent] **(District 8)**

NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL.

REGULAR AGENDA

10. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.

- 10A. An Ordinance changing the zoning of a portion of Lot 2, Block 9, Lafayette Place, El Paso, El Paso County, Texas from C-1 (Commercial) to C-4/C (Commercial/Condition). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 8021 N. Loop Road. Applicant: Jorge Rivera and Blanca Serrano. ZON05-00069 **(District 7)**
[Planning, Christina Valles, (915) 541-4930]
- 10B. An Ordinance granting Special Permit No. ZON05-00071, to allow for Shops for the Conduct of Retail Business on the East ½ of Lots 19 and 20, Block 58, Campbell Addition, El Paso, El Paso County, Texas, pursuant to Section 20.61.060.K (Zoning) of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 303 & 305 Eighth Street. Applicant: Jorge Valenzuela. ZON05-00071 **(District 8)**
[Planning, Christina Valles, (915) 541-4930]
- 10C. An Ordinance changing the zoning of a portion of Section 22, Block 81, Township 1, Texas and Pacific Railroad Co. Surveys, El Paso, El Paso County, Texas from R-3A/SC (Residential/Special Contract) to C-3/SC (Commercial/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 10700 block of US Highway 54. Applicant: Camino Real Investments. ZON05-00074 **(District 4)**
[Planning, Christina Valles, (915) 541-4930]
- 10D. An Ordinance changing the zoning of the East 4 feet of Lot 21, all of Lot 22, and the West 10.5 feet of Lot 23, Block 92, Bassett's Addition, El Paso, El Paso County, Texas from A-2 (Apartment) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 2611 Montana Avenue. Applicant: Lisa Quintana and Diane Quintana. ZON05-00075 **(District 8)** [Planning, Christina Valles, (915) 541-4930]

- 10E. An Ordinance changing the zoning of Tract 465, Sunrise Acres No. 1, El Paso, El Paso County, Texas from R-4 (Residential) to R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 8021 N. Loop Road. Applicant: Center Line Home Builders/Juan Licon. ZON05-00076 (District 2) [Planning, Christina Valles, (915) 541-4930]
- 10F. An Ordinance changing the zoning of Tract 7L5, Fresno Place, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 100 block of Fresno. Applicant: Adan & Francisco Baca & Sal Romo. ZON05-00077 (District 7) [Planning, Christina Valles, (915) 541-4930]
- 10G. An Ordinance granting Special Permit No. ZON05-00083, to allow for a parking reduction on the property described as a portion of Lots 11-15, Block 214, Alexander Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 300 Cincinnati Street. Applicant: Wolfe Commonwealth I, Ltd. ZON05-00083 (District 1) [Planning, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON OCTOBER 11, 2005 FOR ITEMS 10A – 10G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

- 11. **MAYOR AND COUNCIL:** [Representative Ann Morgan Lilly, (915) 541-4151]
Discussion and action on The Park at Wildwood Subdivision--Revocation for Cause.
- 12. **DEVELOPMENT SERVICES:** [Development Services, Karem Dallo, (915) 541-4970]
 - 12A. Discussion and action on approval of Conditional "B" building permits for Tierra Del Este Unit Thirty Subdivision. (District 5)
 - 12B. Discussion and action on approval of Conditional "B" building permits for Loma Linda Unit Four Subdivision. (District 5)
- 13. **PUBLIC HEARING – ENGINEERING DEPARTMENT, TRAFFIC DIVISION:**
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]
An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits) of the El Paso Municipal Code to: (i) Modify Subsection "F" (Thirty-Five Miles Per Hour) by deleting Schuster Avenue from Sun Bowl Drive to Hawthorne Street; and (ii) Modifying Subsection "E" (Thirty Miles Per Hour) by adding Schuster Avenue from Sun Bowl Drive to Brown Street. The penalty is as provided in Section 12.84.010 of The El Paso Municipal Code. (District 8)

14. PUBLIC HEARINGS – PLANNING: [Planning, Esther Guerrero, (915) 541-4720]

- 14A.** An Ordinance amending Ordinance No. 012393 which granted a Special Privilege to the El Paso Electric Company, Owner, and El Paso Parking, Inc., Lessee, to permit off-street parking within a portion of Rim Road right-of-way, by extending the term through May 16, 2010. (Annual Fee: \$1,220.00, SP-9558b) **(District 1)**
- 14B.** An Ordinance granting a Special Privilege to Anita Conger permitting the encroachment onto public right-of-way of an awning located at 300 South Mesa Street. (Fee: \$100.00, SP-05018) **(District 8)**
- 14C.** An Ordinance rescinding Ordinance 13388 as amended by Ordinances 13851, 13958, and 16071, which granted a Special Privilege License to Ysleta Independent School District for use of certain right of way. **(District 7)**

15. CITY MANAGER: [City Manager, Joyce A. Wilson, (915) 541-4844]

City Manager's report of current events and issues:

- 15A.** Report from County Tax Assessor Victor Flores on Scofflaw Denial of Registration Program. [V.I.T. Enforcement Director, David R. Marquez, (915) 755-3535]
- 15B.** Presentation of the Capital Improvement Program, including:
[Deputy City Manager, Infrastructure and Development, Patricia D. Adauto, (915) 541-4853]
 - Status of current projects and obligations
 - Recommended two-year capital budget
 - Financing of program, including debt service requirements and possible impact on tax rates

16. The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY
 Section 551.072 DELIBERATION REGARDING REAL PROPERTY
 Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
 Section 551.074 PERSONNEL MATTERS
 Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
 Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 16A.** Masako Chamness, et al vs. City of El Paso, et. al.; Cause No. 2005-2357 in the 168th District Court (551.071) [City Attorney's Office, Jennifer F. Callan (915) 541-4550]
POSTPONED FROM 09/13/05 AND 09/06/05
- 16B.** *Rita Rodriguez v. The City of El Paso*, Cause No. 2004-4957 in the 34th District Court (551.071) [Mayor John F. Cook, (915) 541-4015] **POSTPONED FROM 09/13/05**

16C. Andres Gutierrez vs. Roberto Martinez, Cause No. 2003-2560 in the 168th District Court (551.071) [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

16D. Worker's Compensation Subrogation Interest Regarding Hildeberto Diaz (551.071) [City Attorney's Office, Lupe Martinez, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>

APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]
That the tax refunds listed on the attachment posted with this agenda be approved.
(see attachment)

TAX REFUNDS

September 20, 2005

ITEM NO.: 7

- A.** M & T Mortgage in the amount of \$3,246.27 overpayment of 2004 taxes.
(PID #U501-000-0000-0400)
- B.** Sierra Title Co. in the amount of \$2,856.94 overpayment of 2004 taxes.
(PID #H788-006-0350-0010)
- C.** First American Real Estate Service in the amount of \$7,256.36 overpayment of 2003 taxes. (PID #C801-999-0080-9560)

Richarda Duffy Momsen
City Clerk

Juan F. Sandoval, M.P.A., C.T.A., R.T.A.
Tax Assessor Collector